

**SUPREME COURT MINUTES  
THURSDAY, APRIL 24, 2003  
SAN FRANCISCO, CALIFORNIA**

**S012852**

PEOPLE v. MAURY (ROBERT E.)

Opinion filed: Judgment affirmed in full

Majority Opinion by Chin, J.

--- joined by George, C. J., Kennard, Baxter,  
Werdegar, Brown, and Moreno, JJ.**S101003**A093002 First Appellate District,  
Division Two

CRUZ v. PACIFICARE HEALTH SYSTEMS

Opinion filed: Affirmed in part, reversed in part

and remanded.

Majority Opinion by Moreno, J.

--- joined by George, C. J., Kennard, J.,  
\*Reardon, JConcurring and Dissenting Opinion by Baxter,  
J.Concurring and Dissenting Opinion by  
Chin, J.

--- joined by Baxter and Brown, JJ.

\* Honorable Timothy A., Associate Justice,  
First Appellate District, Division Four,  
assigned by the Chief Justice pursuant to  
article VI, section 6 of the California  
Constitution.

**S113993**B161166 Second Appellate District,  
Division Seven

ABRATTE v. W.C.A.B.

Time extended to grant or deny review

to May 30, 2003

**S114009**A095666 First Appellate District,  
Division Three

LOPEZ v. WORLD SAVINGS &amp; LOAN

Time extended to grant or deny review

to June 2, 2003

**S114022**

B164136 Second Appellate District,  
Division Four

PACIFICARE v. S.C. (RADLOVIC)  
Time extended to grant or deny review

to June 2, 2003

**S114066**

B136351 Second Appellate District,  
Division One

HOFFMAN v. PRINCESS CRUISES INC.  
Time extended to grant or deny review

to June 6, 2003.

**S114076**

D039779 Fourth Appellate District,  
Division One

ZOLEZZI v. PACIFICARE  
Time extended to grant or deny review

to June 6, 2003.

**S114171**

F040111 Fifth Appellate District

STATE OF CALIFORNIA v. S.C. (BODDE)  
Time extended to grant or deny review

to June 6, 2003

**S114187**

A097032 First Appellate District,  
Division Two

RIVERO v. AMERICAN FEDERATION OF STATE  
Time extended to grant or deny review

to June 5, 2003

**S114196**

A094414 First Appellate District,  
Division Three

INDUSTRIAL INDEMNITY v. APPLE COMPUTER  
Time extended to grant or deny review

to June 9, 2003.

**S114222**

C039102 Third Appellate District

H. (SAMANTHA) v. FIELDS  
Time extended to grant or deny review

to June 6, 2003

**S114253**

D038316 Fourth Appellate District,  
Division One

SAN DIEGO, CITY OF v. RANCHO  
PENASQUITOS PARTNERSHIP  
Time extended to grant or deny review

to June 11, 2003

**S114272**

C041423 Third Appellate District

PARKER v. W.C.A.B. (CALIFORNIA STATE  
Time extended to grant or deny review

to June 10, 2003

**S114298**

F038354 Fifth Appellate District

REGAL MEDICAL GROUP v. CENTENNIAL  
MEDICAL GROUP

Time extended to grant or deny review

to June 10, 2003

**S114343**B163827 Second Appellate District,  
Division TwoLOS ANGELES METRO. TRANSPORTATION  
AUTHORITY v. W.C.A.B., PUCKETT  
Time extended to grant or deny review

to June 11, 2003

**S114350**B148722 Second Appellate District,  
Division One

LAWRENCE v. CHYTEN

Time extended to grant or deny review

to June 6, 2003

**S114352**B164550 Second Appellate District,  
Division ThreeDUNHAM ROOFING v. W.C.A.B. (CORTEZ)  
Time extended to grant or deny review

to June 10, 2003

**S114400**D040289 Fourth Appellate District,  
Division OneCITIZEN ACTION COUNCIL v. ALLIED MARKET  
Time extended to grant or deny review

to June 12, 2003

**S012943**PEOPLE v. RUNDLE (DAVID ALLEN)  
Extension of time granted

to July 1, 2003 to file respondent's brief.  
After that date, only one further extension  
totaling 30 additional days is contemplated.  
Extension is granted based upon Deputy  
Attorney General Michael P. Farrell's  
representation that he anticipates filing that  
brief by 7/31/2003.

**S055652**PEOPLE v. FUIAVA (FREDDIE)  
Extension of time granted

to June 23, 2003 to file respondent's brief.

**S073596**PEOPLE v. LANCASTER (ANDREW)  
Extension of time granted

to June 23, 2003 to file appellant's opening brief. After that date, only two further extensions totaling 130 additional days are contemplated. Extension is granted based upon counsel Roger Teich's representation that he anticipates filing that brief by 11/1/2003.

**S078664**PEOPLE v. AVILA (JOSEPH)  
Extension of time granted

to June 27, 2003 to file appellant's opening brief. The court anticipates that after that date, only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S105762**B148379 Second Appellate District,  
Division FourPEOPLE v. FLORES  
Request for judicial notice granted

Appellant's requests for judicial notice filed on November 14, 2002, and February 13, 2003, are granted.

**S114295**

F038303 Fifth Appellate District

PEOPLE v. WHEELER  
Order filed

The order filed on April 23, 2003, denying the petition for review is amended to read, in its entirety;  
"Petition for review DENIED.  
The request for an order directing depublication of the opinion is denied."

S113224

## FRANKLIN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **JOHN FORREST FRANKLIN II, State Bar No. 100737**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S113226

## HARGROVE ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MICHAEL D. HARGROVE, State Bar No. 177832**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S113228

## GOALWIN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN ALAN GOALWIN, State Bar No. 70974**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the

conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 9, 2002, as modified by its order filed December 5, 2002. Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

**S113244**

PAKRADOUNI ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **VIKEN KRISTAPOL PAKRADOUNI, State Bar No. 141573**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 21, 2002. If he has not provided proof of successful passage of the Multistate Professional Responsibility Examination to the Probation Unit of the State Bar Office of the Chief Trial Counsel within the five month period prior to the effective date of this order, it is further ordered that Viken Kristapol Pakradouni take and pass said examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2004, 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S113248**

MUNZ ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **KARL FREDERICK MUNZ, State Bar No. 45668**, be actually suspended for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning

and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 15, 2002, as modified by its order filed December 5, 2002. If **Karl Frederick Munz** seeks to be relieved of his actual suspension pursuant to standard 1.4(c)(ii), in addition to all other requirements, he shall provide proof of passage of the Multistate Professional Responsibility Examination and the State Bar Ethics School as a condition of resuming practice. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S114807****SMITH ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **C. BRIAN SMITH, State Bar No. 128179**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*See Business & Professions Code, § 6126, subdivision (c).